

**TOWN OF YORK PLANNING BOARD
THURSDAY, OCTOBER 2, 2003, 7:00 P.M.
YORK PUBLIC LIBRARY**

In Chairman Glenn Farrell's absence, Dave Marshall conducted the meeting, which began at 7:10. Barrie Munro, Glen MacWilliams, Tom Manzi, who voted in place of Glenn Farrell, and Richard Smith, who voted in place of absent Dan Remick, attended. Steve Burns represented the staff. Patience Horton took Minutes. The meeting was televised. There was one motion made during the meeting.

Public Input

Graham Young began to ask questions about Central Maine Power (CMP)'s line and cutting locations, but was asked to wait until that portion of the application came up later.

Applications

Central Maine Power Company. Application by CMP to construct new Transmission Lines running from Kittery to York Beach along the Turnpike, Spur Road and Route One, and to construct a new substation at Bragdon Commons adjacent to the Turnpike. The Board will continue its review of issues. The application requires approvals for the Route One Use Permit, Shoreland Permit, Wetlands Permit, and approval under the Floodplain Management Ordinance.

Steve Burns handed the board members copies of CMP's Review, dated October 2, 2003, and signed by Mary R. Smith, Project Manager. Steve Burns explained that CMP has a defined list of what they need to do to comply with York codes. However, the closest compliance with Shoreland standards is defined in the ordinances as how power comes into a house, which does not correlate with transmission line regulations. For the current application, he recommended that the rules comply with §8.3.14.

Motion Barrie Munro moved that the use and services of the transmission line must comply with §8.3.14. Glen MacWilliams added the friendly amendment that the motion is in regard to this application only. The motion passed, 5-0.

Steve Burns added that CMP must comply and not violate floodplain management, as it stands, unless the board disagrees with it, which no one seemed to do.

Mary Smith summarized 10 issues raised at the previous Planning Board meeting that were covered in the CMP review that had been handed out. She said that information about outages was contained in the review, but that the information does not demonstrate the need for this project. She stated that the effect of transmission corridors on property values has a minimal impact on the community of abutting properties. CMP purchased the land adjacent to Kimball Farms in 1990, and the property devaluation would have been accounted for at that time. The review packet contained a pamphlet about Electric and Magnetic Fields (EMF) created by the load of current. The National Institute of En-

vironmental Health Sciences and the National Institutes of Health prepared it. Only Florida and New York have set EMF standards, and the output of the transmission lines through York is a fraction of the regulated output standards in those states, she said. She continued that the rights-of-way under the lines would be planted with a dense vegetative cover that is good for wildlife, wetlands, and soil stability, yet discouraging to pedestrian use of the right-of-way. Every four years, CMP will come in and cut out the hardwoods taller than 8 feet, subsequently treating the stumps not directly located in or within 25 ft. of standing water. She said that the reason the lines will cross the Maine Turnpike Authority (MTA) at Beech Ridge Road instead of farther north or south, is because the MTA owns more on the west side, and their buffer is wider on that side. Switching to the other side would bring the lines closer to homes. She then showed a plan of how the Spur Road portion of the installation would look, if that routing changed and it followed the diagonal path. She proposed discussing it later in the meeting. Also, she said she had tried to talk to Emerson Baker about the possibility of CMP's vacating unused property, but had not yet gotten through on the phone. She added that the oil containment at Bragdon Commons substation would not only be very unlikely (mineral oil is used as an insulation and coolant packed inside sealed conductors), but if it happened, oil would be completely contained in a gravel bed that could be scooped up and moved away, in the event of any spillage. Finally, the Coury property was scheduled to receive a modified design for which a site visit had been scheduled that very day.

Landscape architect Terry DeWan, of Terrence J. DeWan Associates, of Yarmouth, gave a PowerPoint presentation of the planting plan along the route with approximately 72 slides showing the path and the proposed landscapes and vegetations the transmission line will take from the Kittery boarder up through York. He envisioned hearty, low maintenance, non-evasive plantings as high as 10 feet, including evergreens, shrubs, sumac, elderberry, red oaks, willow trees, and many others. The slides included a hypothetical view of the power lines crossing I-95, 27 feet above the roadway. He showed before-and-after of the residential area at Kimball Farm Lane. He showed the path the line would take along Rt. 1, saying that canopies above the power lines will have to be controlled by taking the entire tree out. Trimming them is not a possibility. The new poles will have to be located 22 feet farther from the road than the current poles are placed.

Dave Marshall opened the Public Hearing. Michael Stotts of Kimball Farm Lane had previously contacted the Planning Board with a letter. Tonight he said that noise abatement from I-95 has been his concern, because nothing mitigates the noise from the highway at the present time, and what if the corridor from the lines makes it worse? He said he was surprised that there was no representation from the MTA and the tourism association, which should be concerned with what people traveling from the south, through the "Gateway of Maine" will see when they cross under the power lines traveling on the turnpike. He wanted clarification about whether the investor or the ratepayer makes the project possible. He had also read that for \$200 million, transmission cable was buried 130 miles from Albany to New York City. He compared that project to the proposed 13-mile project. He was not satisfied with Mary Smith's discussion about land values, either, believing that his home value was going to be affected.

Rebecca Bradley of Kimball Farms Lane asked what will happen with the chain link fence that protects animals from the highway.

Laurie Downs identified herself as one of the initial 10 people who filed a complaint with the Public Utilities Exchange (PUC) against CMP. She answered that the ratepayers pay for the cost of the transmission line. CMP has had to produce a least-cost plan. The plan has a 15 percent cap. If CMP rises above that figure, they have to explain the reason to the PUC. They cannot bury lines unless the associated municipality picks up the extra cost. The Public Assessor's office helped see that the treatment around the bridge is hidden because it is part of the Gateway to Maine. The proposed route is the best route and the best solution possible, she said.

Stan Moody, Cape Neddick, stressed that the visual impact should be created for esthetics, and that relocating the line near Spur Road should be looked at carefully. Cutting a few trees to allow the interior, more hidden route would be better aesthetically. In response to the presentation, he said that encouraging vegetation to make walking difficult would be overcome with ATV use. He is also aware of places where dead pine trees that have been hit by herbicides are wrongfully located 15 feet from standing water, so extreme care must be taken with that practice. He also said it is bad practice to take out all capable species (species that are capable of growing high enough to reach the power lines are called capable species, Terry DeWan had said). Instead, they can be trimmed every four years. "Evergreens grow nice and thick when topped," Stan Moody said.

Michelle Moody said that when the Town stepped in as intervener in this matter, it gave as much influence in as possible. There had been hope for burying the lines at Spur Road. The cost would have been \$600,000. The matter won't go to the voters in November, because the timing is off, in that the vote would come after the decision needs to be made. She wants to see the lines pushed away from Spur Road. She agreed with Stan Moody about how transmission lines above Waterville have topped evergreens around them that create great buffer. On North Berwick Road, there are beautiful trees maintained by cutting the tops off.

Laurie Downs said that the Planning Board must have the integrity to see that whatever is agreed to will be followed.

The chairman closed the public hearing. He asked what CMP is prepared to do about Spur Road. Mary Smith answered that keeping the lines off the traveled way is best, but since this alternate location through the Spur Road woods might not be permitted by the ordinances, CMP wants a clear signal that will be allowed. Dave Marshall asked how it stacks up with the PUC and the costs. Mary Smith said that it is not an issue with the PUC process. The town needs to approve it. Glen MacWilliams said the board should give them confidence about going forward. Tom Manzi thought the changed route might make a savings for the town. Richard Smith said it was a pretty good idea. Dave Marshall told Mary Smith that CMP had a good indication that Planning Board supports the move.

Dave Marshall asked why CMP was not going to cross the road under the bridge. People don't want to see the line crossing the bridge while approaching the river. Dick Powers of Devine Tarbell Associates, which did the engineering and design work on the project, answered that trees floating under the bridge is a problem. Everything has to be up in the girders. Bends in the conduit won't work. Changing locations under the bridge is a problem. Furthermore, the line has to cross the road at a point that is not Resource Protected, which he showed on the chart. Glen MacWilliams asked about a 50-ft. strip that MTA owns adjacent to and east of Beech Ridge Road. Dick Powers answered that the MTA would not accept having the lines that close to the highway, as it wants that space for future expansion. Dave Marshall asked about the possibility of crossing the road underground. Barrie Munro pointed out that trying to change a major design might prevent the project from starting on time. Richard Smith said that the overhead lines were not such a problem.

The board raised a series of concerns for CMP to answer at a later time. Barrie Munro asked for specifics about the buffering. Glen MacWilliams asked for a visualization of how the lines will look while heading north. Richard Smith asked to see what the section of Rt. 1, where the lines will travel, would look like, saying that they can't look worse than they do. Barrie Munro asked for more details about the placement of gravel in the Bragdon Commons transfer substation, in the event that there is an oil spill. Steve Burns asked how the buffer at When Pigs Fly Bakery would be affected. The answer was that the lines travel through that section entirely in a right-of-way not affecting the bakery's property. Steve Burns said that Public Works does not want new evergreens because they create an icing problem. He reminded that Mr. Stott wanted to know about noise from the highway, and that Rebecca Bradley had asked about *property values* in Kimball Farms, and not about *value assessment*, which had previously been addressed. He asked who would maintain the chain link fence along the highway. Mary Smith answered that the MTA will continue to maintain the fence at Kimball Farms. Steve Burns said that CMP would be coming back during the first week in November.

Other Business/Adjourn

Steve Burns handed out a letter from Dave Lincoln about Dunkin Donuts. The meeting was adjourned at 10:10.